

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Supplementary Budget Estimates

21 – 22 October 2009

Question: sbt 22

Topic: Complaints Against ASIC

Hansard Page: E137

Senator BUSHBY asked:

Senator BUSHBY—I have a different question and it is a little bit more pointed in some respects. How many complaints has ASIC received about itself in relation to ASIC actions, service and response levels and surveillance activity in the past 12 months? Does ASIC retain records on the resolution of complaints against itself?

Mr D’Aloisio—Every complaint we document and keep, whether it is against us or whether it is against anyone else, and we do answer it. I will get you those stats as well.

Senator BUSHBY—Are they reported in any shape or form?

Mr D’Aloisio—I am not sure. I think we do the total numbers and break them up by categories, but whether we do so specifically in relation to ASIC I do not know so I will check.

Senator BUSHBY—Thank you.

Answer:

ASIC generally receives three types of complaints about our actions, service and response levels:

1. Complaints requesting a review of ASIC's decision not to take action on a particular matter or complaint concerning misconduct by a named company, licensee or individual (Review Complaints);
2. General complaints about ASIC's action or lack of action on a particular issue or matter of policy which do not allege misconduct by a named company, licensee or individual (ASIC Complaints – eg. Complaints about ASIC late fees, short selling ban, class order coverage);
3. Complaints about the conduct of a named individual ASIC officer.

As outlined in our Annual Report, for the 2008/09 financial year, ASIC dealt with 13,633 complaints, not all of which were complaints about ASIC actions.

Where a complainant notifies ASIC that they are dissatisfied with the way ASIC has responded to their complaint, ASIC will record a Review Complaint activity. ASIC recorded 181 Review Complaints in the 2008/2009 year. Review Complaints are handled by an independent team and the decisions to overturn or uphold a decision on a matter are approved by a more senior staff member than the analyst who handled the original complaint. A person who is dissatisfied with ASIC's action or decision may also lodge a complaint with the Commonwealth Ombudsman. Information about the number of complaints about ASIC received by the Commonwealth Ombudsman would be available from the Ombudsman's office.

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In the 2008/2009 year ASIC also recorded 49 complaints listing ASIC as the subject of the complaint. These complaints are typically written complaints or escalated referrals from our Client Contact Centre, raising concern generally about ASIC policy, our fee structure or ASIC's announced action or lack of action on a high-profile matter. ASIC receives daily calls to our Client Contact Centre requesting assistance or questioning a particular policy or fee, however we do not formally record these as complaints against ASIC, unless the issue remains unresolved or the complainant requests formal escalation. ASIC does however monitor our call statistics to identify opportunities to improve our service, or refer an issue relating to our policies to the appropriate team for action.

Complaints received about individual ASIC officers are initially referred to the Regional Commissioner or the SES officer responsible for the staff member who decides whether an investigation is required, according to internal ASIC Policy. As a general rule, investigations of complaints will be conducted using ASIC resources unless the matter involves the commission of criminal offences. Complaints are considered in two categories, 'primary' or 'secondary/serious' complaints. Secondary complaints about ASIC staff members will be dealt with by the Regional Commissioner who is responsible for determining what action, if any, is to be taken on the complaint. Primary complaints are usually handled by an SES Officer nominated by the Regional Commissioner.